

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

HERBERT WIGGINS §
VS. § CIVIL ACTION NO. 1:20cv303
DIRECTOR, TDCJ §

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Plaintiff Herbert Wiggins, proceeding *pro se*, filed the above-styled lawsuit. The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge. The Magistrate Judge recommends that a motion to dismiss filed by plaintiff be granted and this lawsuit dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Proper notice was given to plaintiff at his last known address. *See* FED. R. CIV. P. 5(b)(2)(C). No objections were filed to the Report and Recommendation.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge (doc. no. 7) is **ADOPTED** as the opinion of the court. Plaintiff's motion to dismiss (doc. no. 6) is **GRANTED**. A final judgment shall be entered in accordance with the recommendation of the Magistrate Judge.

SIGNED this 23rd day of June, 2021.



Michael J. Truncale
United States District Judge